



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB0935

Introduced 2/2/2005, by Rep. Brandon W. Phelps

#### SYNOPSIS AS INTRODUCED:

430 ILCS 65/3.1

Amends the Firearm Owners Identification Card Act. Provides that if the receipt of a firearm does not violate federal or State law, the Department of State Police shall (1) assign a unique identification number to the transfer; (2) provide the licensee with the number; and (3) destroy all records of the system with respect to the call, other than the identifying number and the date the number was assigned, and all records of the system relating to the person or the transfer within 24 hours. Provides that if the transfer of a firearm is denied by the Department of State Police, the Department of State Police may keep the records of a denial until the denial is appealed and overturned, or as long as necessary for a criminal prosecution. Provides that approvals issued by the Department of State Police for the purchase of a firearm are valid for 30 days from the date of issue. Provides that the Department of State Police may not retain, copy, or distribute any information previously collected under the dial up system. Effective immediately.

LRB094 05003 RLC 35036 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning firearms.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Firearm Owners Identification Card Act is  
5 amended by changing Section 3.1 as follows:

6 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

7 Sec. 3.1. Dial up system.

8 (a) The Department of State Police shall provide a dial up  
9 telephone system which shall be used by any federally licensed  
10 firearm dealer who is to transfer a firearm under the  
11 provisions of this Act. The Department of State Police shall  
12 utilize existing technology which allows the caller to be  
13 charged a fee equivalent to the cost of providing this service  
14 but not to exceed \$2. Fees collected by the Department of State  
15 Police shall be deposited in the State Police Services Fund and  
16 used to provide the service.

17 (b) Upon receiving a request from a federally licensed  
18 firearm dealer, the Department of State Police shall  
19 immediately approve, or within the time period established by  
20 Section 24-3 of the Criminal Code of 1961 regarding the  
21 delivery of firearms, notify the inquiring dealer of any  
22 objection that would disqualify the transferee from acquiring  
23 or possessing a firearm. In conducting the inquiry, the  
24 Department of State Police shall initiate and complete an  
25 automated search of its criminal history record information  
26 files and those of the Federal Bureau of Investigation,  
27 including the National Instant Criminal Background Check  
28 System, and of the files of the Department of Human Services  
29 relating to mental health and developmental disabilities to  
30 obtain any felony conviction or patient hospitalization  
31 information which would disqualify a person from obtaining or  
32 require revocation of a currently valid Firearm Owner's

1 Identification Card.

2 (c) If receipt of a firearm would not violate Section 24-3  
3 of the Criminal Code of 1961, federal law, or this Act, the  
4 Department of State Police shall:

5 (1) assign a unique identification number to the  
6 transfer;

7 (2) provide the licensee with the number; and

8 (3) destroy all records of the system with respect to  
9 the call, other than the identifying number and the date  
10 the number was assigned, and all records of the system  
11 relating to the person or the transfer within 24 hours.

12 (d) If the transfer of a firearm is denied by the  
13 Department of State Police, the Department of State Police may  
14 keep the records of a denial until the denial is appealed and  
15 overturned, or as long as necessary for a criminal prosecution.

16 (e) Approvals issued by the Department of State Police for  
17 the purchase of a firearm are valid for 30 days from the date  
18 of issue.

19 (f) The Department of State Police may not retain, copy, or  
20 distribute any information previously collected under this  
21 Section. Any records generated by this Section shall comply  
22 with subsection (c).

23 (g) The Department of State Police must act as the Illinois  
24 Point of Contact for the National Instant Criminal Background  
25 Check System.

26 (h) The Department of State Police shall promulgate rules  
27 that are not inconsistent with this Section to implement this  
28 system.

29 (Source: P.A. 91-399, eff. 7-30-99.)

30 Section 99. Effective date. This Act takes effect upon  
31 becoming law.